

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE.**

INCOME TAX REFERENCE NO. 1171 OF 1998.

The Commissioner of Income-tax,
Kolhapur. ..Applicant.

vs.

The Ichalkaranji C-op. Spinning
Mills Ltd. ..Respondent.

Shri A.S. Rao for the applicant.

**CORAM: V.C.DAGA &
J.P.DEVADHAR, JJ.
DATED: 20-4-2005.**

P.C.

1. On the motion made by learned Counsel appearing for the Revenue, he is allowed to reframe the question in terms of the draft amendment handed in. The amended question reads as under:

"Whether on the facts and in the circumstances of the case, the ITAT, relying on the decision of the special Bench of ITAT in the case of Shri Chhatrapathi SSK Ltd., (198 ITR 78-AT) was right in deleting the following additions by holding that the non-refundable deposits of Rs. 2,04,730/- deducted by the assessee-Society out of the cotton purchase price payable to the Cotton growers are not trading receipts of the assessee?"

2. The aforesaid question has already been answered by the Apex Court in the case of **Siddheshwar Sahakari Sakhar Karkhana Ltd. vs. Commissioner of Income-tax, (2005) 270 ITR 1 (SC)**. The question is accordingly answered in favour of the assessee and against the Revenue.

(J.P.DEVADHAR, J.)

(V.C.DAGA, J.)